

Chapter 44**FORESHORE RESERVE ZONE****INTRODUCTION**

This chapter contains rules managing land uses in the Foreshore Reserve Zone. The boundaries of this zone are shown on the Planning Maps.

All rules apply throughout the Foreshore Reserve Zone unless otherwise stated.

44.1 Summary of Foreshore Reserve Zone Rules

The following is a quick reference guide that summarises the Foreshore Reserve Zone Activity Table. It is intended to be a guide only and should not be used in place of the Foreshore Reserve Zone Activity Table elsewhere in this Chapter.

Rule Number and Description		Classification	Page Number
44.2.1(a)	Recreational activities, excluding buildings and structures.	Permitted	2
44.2.1(b)	Activities identified within an approved management plan under the Reserves Act 1977.	Permitted	2
44.2.1(c)	Maintenance and repair of buildings and structures	Permitted	2
44.2.1(d)	Vehicle parking areas.	Permitted	2
44.3	Burial of deceased marine mammals.	Permitted	2
44.4	Boat and beach related hire activities.	Permitted	2
44.5	Buildings and structures for community facilities.	Permitted	2
44.6	Sediment and shingle removal and deposition.	Permitted	2
44.7	Scheduled sites.	Permitted	3
44.8	Land development (including subdivision, but excluding Multi Unit Development).	Controlled	3
44.9	Relocation of a building.	Controlled	3
44.10	Any subdivision, use or development of land referred to in Rules 44.2 to 44.9 that does not comply with all the relevant conditions, unless stated by a rule elsewhere in this Chapter.	Restricted Discretionary	4
44.11.1(a)	The erection of buildings and/or structures crossing the mean high water springs mark.	Discretionary	4
44.11.1(b)	Use of clubrooms for a commercial activity.	Discretionary	4
44.11.1(c)	Premises for the sale of food and drink (including licensed premises).	Discretionary	4
44.11.1(d)	Any land use not specifically provided for elsewhere in this Plan as a prohibited activity, a permitted activity, a controlled activity, or a restricted discretionary activity.	Discretionary	5
44.12.1(a)	Industrial activities, unless stated by a rule elsewhere in this Chapter.	Prohibited	5
44.12.1(b)	Residential activities.	Prohibited	5
44.12.1(c)	Commercial activities, unless stated by a rule elsewhere in this Chapter.	Prohibited	5

FORESHORE RESERVE ZONE – ACTIVITY TABLE

PERMITTED ACTIVITIES	Matters the Council will restrict its discretion to for restricted discretionary activities.
<p>44.2 Land Uses Generally</p> <p>1. The following land uses are permitted activities provided that the land use complies in all respects with the relevant conditions in the Foreshore Reserve Zone activity table and condition table.</p> <ul style="list-style-type: none"> a) Recreational activities, excluding buildings and structures. b) Land uses identified within an approved management plan under the Reserves Act 1977. c) Maintenance and repair of buildings and structures d) Vehicle parking areas. 	<p>The Council will restrict its discretion to the matters referred to in Rule 44.10.</p>
<p>44.3 Burial of Deceased Marine Mammals</p> <p>1. The burial of deceased marine mammals is a permitted activity provided that:</p> <ul style="list-style-type: none"> a) The marine mammal was stranded or died within or adjacent to the boundaries of Napier City. b) The marine mammal was not killed for commercial, scientific or cultural reasons. c) The marine mammal died of natural causes or due to environmental reasons. d) The burial of any marine mammal is carried out by the Department of Conservation, the Hawke's Bay Regional Council, a public health authority, or the Napier City Council. 	<p>The Council will restrict its discretion to the matters referred to in Rule 44.10, including the following:</p> <ul style="list-style-type: none"> - The effects on amenity values. - The effects on public access. - The effects on public health and safety.
<p>44.4 Boat and Beach Related Hire Activities</p> <p>1. Boat and beach related hire activities are a permitted activity provided that:</p> <ul style="list-style-type: none"> a) The land use must not include any permanent buildings. b) Any signs associated with the activity must be limited to one moveable footpath sign that is removed at the end of each day. 	<p>The Council will restrict its discretion to the following matters:</p> <ul style="list-style-type: none"> - The effects on amenity values. - The effects on public access to the foreshore. - The effects on public health and safety. - The effects on ecological values.
<p>44.5 Buildings and Structures for Community Facilities</p> <p>1. Buildings and structures for community facilities is a permitted activity, unless provided for by a rule elsewhere in this Plan, provided that:</p> <ul style="list-style-type: none"> a) The building or structure must not exceed 75m² in gross floor area. b) The building or structure complies in all respects with the relevant conditions in the Foreshore Reserve Zone activity table and condition table. 	<p>The Council will restrict its discretion to the following matters:</p> <ul style="list-style-type: none"> - The effects on the natural environment of the foreshore reserve. - The effects on amenity values. - The effects on the character of the foreshore. - The design and appearance of the building or structure. - The landscaping of the area.
<p>44.6 Sediment and Shingle Removal and Deposition</p> <p>1. The removal, and/or deposition of sediment and/or beach shingle above the mean high water springs mark is a permitted activity provided that:</p> <ul style="list-style-type: none"> a) The removal or deposition of sediment and/or beach shingle must be undertaken by a local authority or a duly authorised person thereof. This condition shall not apply to the non-mechanical removal of sediment and/or beach shingle in quantities less than 1m³ per day by any person. 	<p>Matters:</p> <ul style="list-style-type: none"> - The effects on the natural environment of the foreshore reserve. - The effects on natural coastal processes. - The effects on existing hazard control works. - The impacts on ecology within the vicinity. - The effects on the maintenance and enhancement of public access to and along the foreshore.

<p>b) In any 12 month period:</p> <p>i) The volume of sediment removed or deposited must not exceed 50,000m³.</p> <p>ii) The sediment must be used for renourishment purposes in the Foreshore Reserve Zone.</p> <p>c) That the relevant earthworks requirements of Chapter 66 (Volume II - Code of Practice for Subdivision and Land Development) will not apply to removal or deposition of sediment above the M.H.W.S mark.</p> <p>2. The transportation of sediment and/or beach shingle within and/or through the Foreshore Reserve Zone is a permitted activity.</p> <p>NOTE: Sediment and shingle removal, deposition and the associated occupation of space within the Coastal Marine Area (below M.H.W.S mark) is subject to the provisions of the Hawke's Bay Regional Council's Regional Coastal Plan.</p>	
<p>44.7 Scheduled Sites</p> <p>1. Any scheduled land use on a scheduled site is a permitted activity provided that:</p> <p>a) It complies in all respects with the rules in Chapter 55 (Scheduled Sites).</p>	<p>The Council will restrict its discretion to the matters referred to in Chapter 55 (Scheduled Sites) of this Plan.</p>
<p>CONTROLLED ACTIVITIES</p>	<p>Matters the Council will restrict its discretion to for restricted discretionary activities.</p>
<p>44.8 Land Development (including Subdivision, but excluding Multi Unit Development)</p> <p>1. Land development including subdivision but excluding multi unit development, is a controlled activity provided that:</p> <p>a) It complies in all respects with the standards and terms specified in Chapter 66 (Volume II) of this Plan.</p> <p>b) It complies in all respects with the relevant conditions in the Foreshore Reserve Zone activity table and condition table.</p> <p>c) It is assessed according to the matters in Chapter 66 (Volume II) over which the Council has reserved its control.</p> <p>2. Applications for resource consent will not be publicly notified in respect of land development (including subdivision) that fully complies with the standards and terms, and notice of applications need not be served.</p>	<p>The Council will exercise its discretion over the matters referred to in Rule 44.10, including the assessment criteria specified in Chapter 66 (Volume II) of this Plan.</p>
<p>44.9 Relocation of Buildings</p> <p>1. Relocation of a building from another site is a controlled activity provided that:</p> <p>a) The relocation of a building complies in all respects with the relevant conditions in the Foreshore Reserve Zone activity table and condition table.</p> <p>b) A written assessment must be submitted with each application which shall:</p> <p>i) Include a statement from a building certifier or registered engineer that the building is structurally sound.</p> <p>ii) State the condition of the building and the reinstatement works needed to bring the building up to an external visual appearance that is compatible with other buildings in the</p>	<p>The Council will restrict its discretion to the following matters referred to in Rule 44.10, including the following:</p> <ul style="list-style-type: none"> - The structural integrity of the building. - The imposition of a performance bond. - The timing of reinstatement works. - The effects on the built character of the surrounding area. - The effects on amenity values. - The effects on infrastructural services.

<p>vicinity.</p> <p>iii) State the proposed timetable to complete external reinstatement of the building within 12 months from the date of consent.</p> <p>iv) Provide clear photographs of the building in its current state.</p> <p>v) Provide such plans and elevations of the building as are necessary to illustrate the new site location and likely external design and appearance of the building as a result of reinstatement work.</p> <p>The Council shall exercise its control over the following:</p> <p>c) The design, materials and timetable of the proposed reinstatement works.</p> <p>d) The imposition of any financial contributions in accordance with Chapter 65 (Financial Contributions) of this Plan.</p> <p>e) The imposition of a performance bond to complete the reinstatement of the building.</p> <p>2. Applications for resource consent will not be publicly notified in respect of relocated buildings that fully comply with the standards and terms, and notice of applications need not be served.</p>	
<p>RESTRICTED DISCRETIONARY ACTIVITIES</p>	<p>Matters the Council will restrict its discretion to for restricted discretionary activities.</p>
<p>44.10 Land Uses Not Complying With Conditions</p> <p>1. Any subdivision, use or development of land referred to in rules 44.2 to 44.9 that does not comply with all of the relevant conditions in the Foreshore Reserve Zone activity table and condition table is a restricted discretionary activity, unless stated by a rule elsewhere in this Chapter.</p>	<p>The Council will have regard to the relevant objectives and policies of the Plan and will restrict its discretion to:</p> <ul style="list-style-type: none"> - The matters identified in the second column of the Foreshore Reserve Zone activity table and/or condition table. - The cumulative effect of non-compliance with more than one condition. - In respect of a controlled activity failing to comply with all of the relevant conditions, those matters the Council had reserved its control over. - The matters set out in Chapter 1.6.5. - The assessment criteria in Chapter 49 of this Plan where applicable.
<p>DISCRETIONARY ACTIVITIES</p>	
<p>44.11 Discretionary Activities</p> <p>1. The following land uses are discretionary activities. A resource consent application must be made and consent may be declined or granted with or without conditions. The Council will have regard to the objectives and policies of this Plan and the assessment criteria in Chapter 49. The Council's discretion is unrestricted.</p> <p>a) The erection of buildings and/or structures crossing the mean high water springs mark.</p> <p>NOTE: That part of the building or structure below the M.H.W.S mark is subject to the provisions of the Hawke's Bay Regional Coastal Plan.</p> <p>b) Use of clubrooms for a commercial activity.</p> <p>c) Premises for the sale of food and drink (including licensed premises).</p>	

<p>d) Any land use not specifically provided for elsewhere in this Chapter as a prohibited activity, a permitted activity, a controlled activity, or a restricted discretionary activity.</p>	
<p>PROHIBITED ACTIVITIES</p>	
<p>44.12 Prohibited Activities</p> <p>1. The following land uses are a prohibited activity for which no resource consent shall be granted:</p> <ul style="list-style-type: none"> a) Industrial activities, unless stated by a rule elsewhere in this Chapter. b) Residential activities. c) Commercial activities, unless stated by a rule elsewhere in this Chapter. 	

FORESHORE RESERVE ZONE – CONDITION TABLE

CONDITIONS FOR PERMITTED ACTIVITIES AND CONTROLLED ACTIVITIES	Matters the Council will restrict its discretion to for restricted discretionary activities.
<p>44.13 Yards</p> <p>1. The following yard conditions shall apply to all land uses:</p> <p>a) Any part of a building (including eaves and guttering) or structure must not be erected closer than 6 metres to any site boundary.</p> <p>b) Any building or structure, or part of any building (including eaves and guttering) or structure must not be erected closer than 40 metres of the Mean High Water Springs mark.</p> <p>2. Where there is a conflict between the limits in (a) or (b) above, the greatest distance will apply.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effects on amenity values. - The effects on the natural environment of the foreshore.
<p>44.14 Height</p> <p>1. The following maximum height conditions shall apply to all land uses, other than aerials, lines and support structures:</p> <p>a) Any part of a building or structure must not exceed 7.5 metres in height.</p> <p>b) Any part of a building, structure or tree must not exceed the Airport Height Control Designation in Appendix 7.</p> <p>c) Where there is conflict between any of the height control lines or limits above, the lowest height must prevail.</p> <p>d) Where the Airport Height Control Designation prevails in accordance with Rule 44.14.1(c):</p> <p>i) Any application for a building consent must be accompanied by a registered surveyor's certificate verifying that the building plans do not exceed the Airport Height Control Designation in Appendix 7.</p> <p>ii) Prior to a person requesting a Certificate of Compliance, a registered surveyor's certificate must be supplied, verifying compliance with the Airport Height Control Designation in Appendix 7.</p> <p>e) Height must be measured using the rolling height method.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The scale and bulk of the building in relation to the site. - The built characteristic of the neighbourhood. - The extent to which the effects of the height can be mitigated by setbacks, planting, design or topography of the site. - The effects on landscape values. - The effects of shading. - The effects on amenity values. - The effects on air traffic safety.
<p>44.15 Height in Relation to Boundary</p> <p>1. The following height in relation to boundary conditions shall apply to all land uses:</p> <p>a) Any part of a building or structure must not project beyond a building envelope constructed by drawing planes along all parts of all site boundaries. The planes must commence 3.0 metres above ground level at the site boundary and must be inclined to the horizontal at an angle of 45 degrees.</p> <p>b) Provided that:</p> <p>i) The height in relation to boundary control does not apply to the length of common wall between two or more attached buildings.</p> <p>ii) Where the site abuts an entrance strip or access lot, the furthest boundary of the entrance strip or access lot may be deemed to be the site boundary for the purpose of applying the height in relation to boundary control.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The availability of daylight to adjoining properties. - The effects on the privacy of adjoining properties and occupiers. - The effects on amenity values. <div data-bbox="943 1653 1501 2007" style="border: 1px solid black; padding: 10px; margin-top: 10px;"> </div>

<p>iii) No account must be taken of aerials, lines, support structures, solar heating devices, air conditioning units and similar structures housing electronic or mechanical equipment or chimneys, no more than 1 metre wide in any horizontal direction and less than 2.5 metres in height beyond the building envelope.</p>	
<p>44.16 Landscaped Area</p> <p>1. The following landscaping conditions shall apply to all land uses:</p> <p>a) A two metre wide landscape area must be provided adjacent to all buildings.</p> <p>b) The landscaping in this area must be consistent with the existing Foreshore Reserve Zone and must incorporate an irrigation system.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effects on the existing natural character of the landscape. - The effect on landscape values. - The effect on conservation values. - The effect on amenity values.
<p>44.17 Noise</p> <p>1. The relevant provisions of Chapter 57 (Noise) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 57 (Noise) of this Plan.</p>
<p>44.18 Light Spill</p> <p>1. The following light spill conditions must apply to all land uses other than for the purposes of illuminating a road:</p> <p>a) Between the hours of 2200 and 0700 the following day, any outdoor lighting must not cause an added illuminance in excess of 10 lux, measured horizontally or vertically as an average (at any window of a habitable space within a building located on any other site).</p> <p>b) The outdoor lighting must be so selected, located aimed, adjusted, screened and maintained to ensure that glare resulting from the lighting does not cause significant adverse effects on the occupants of residential activities, road users or aircraft.</p> <p>NOTE: Where the measurement of any added illuminance cannot be made because any person refuses to turn off outdoor lighting, measurements may be made in locations which the Council considers is of a similar nature which are not affected by such outdoor lighting. Those measurements may be used to determine the added illuminance, if any, of the subject lighting. Measurement should be made in clear sky conditions, or should take into account the effect of weather conditions on illuminance.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The orientation, strength, intensity, colour and frequency of any light. - The effects on traffic safety. - The effects on pedestrian safety. - The effects on amenity values. - The effects on the health, safety, security and wellbeing of people.
<p>44.19 Vibration</p> <p>1. The following vibration conditions shall apply to all land uses:</p> <p>a) Land uses must not generate any vibration that causes an unreasonable adverse effect on any adjacent land use.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effect on public health and safety. - The effects on the structural integrity of adjoining buildings and facilities. - The effect on amenity values of the residential area.
<p>44.20 Fencing</p> <p>1. The following fencing conditions shall apply to all land uses:</p> <p>a) Any fence erected within front, side and rear yards must not exceed 2 metres in height.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effects of shading. - The effects on amenity values. - The effects on public health and safety.

<p>44.21 Aerials, Lines and Support Structures</p> <p>1. The following conditions shall apply to all aerials, lines and support structures other than for the purposes of a network utility operation:</p> <p>a) Aerials, lines and/or support structures must not exceed 12 metres in height.</p> <p>b) Aerials, lines and/or support structures must not exceed the Airport Height Control Designation in Appendix 7.</p> <p>c) Where there is conflict between any of the height control lines or limits above, the lowest height must prevail.</p> <p>d) Where the Airport Height Control Designation prevails in accordance with Rule 44.21.1(c):</p> <p>i) Any application for a building consent must be accompanied by a registered surveyor's certificate verifying that the building plans do not exceed the Airport Height Control Designation in Appendix 7.</p> <p>ii) Prior to a person requesting a Certificate of Compliance, a registered surveyor's certificate must be supplied, verifying compliance with the Airport Height Control Designation in Appendix 7.</p> <p>e) Dish antenna must not exceed 1.2 metres in diameter.</p> <p>f) Where an aerial, line or support structure exceeds 7 metres in height above the point of its attachment or base support, it must also comply with the following conditions:</p> <p>i) The distance from the centre to the furthest element tip must not exceed 7.5 metres in a horizontal direction.</p> <p>ii) There must be no more than one structure on the site.</p> <p>g) The aerial, line and/or support structure must comply with conditions relating to yards and height in relation to boundary in the Foreshore Reserve Zone condition table.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - The effects on amenity values. - The scale in relation to adjacent buildings. - The bulk and form of the aerial, line and/or supporting structures. - The effects of shading. - The extent to which heritage or cultural values are adversely affected. - The cumulative effect of additional aerials, lines and/or support structures. - The prominence of the site taking into account significant public views and any significant landscapes. - The effects on public health and safety. - The effects on air traffic safety.
<p>44.22 Earthworks</p> <p>1. The relevant provisions of Chapter 52A (Earthworks) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 52A (Earthworks) of this Plan.</p>
<p>44.23 Heritage</p> <p>1. The relevant provisions of Chapter 56 (Heritage) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 56 (Heritage) of this Plan.</p>
<p>44.24 Signs</p> <p>1. The relevant provisions of Chapter 58 (Signs) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer Chapter 58 (Signs) of this Plan.</p>
<p>44.25 Trees</p> <p>1. The relevant provisions of Chapter 60 (Trees) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 60 (Trees) of this Plan.</p>
<p>44.26 Transport</p> <p>1. The relevant provisions of Chapter 61 (Transport) of this Plan must be complied with, except that:</p> <p>a) Any vehicle parking areas need not comply with the sealing and marking conditions of Chapter 61.</p>	<p>Matters:</p> <ul style="list-style-type: none"> - Refer to Chapter 61 (Transport) of this Plan. - The effects on amenity values. - The effects on the natural environment of the foreshore reserve. - The effects on traffic safety and efficiency.

<p>b) Vehicle parking areas must be landscaped with a planting strip of a minimum width of 2 metres along all parts of the road frontage, except for driveways.</p>	
<p>44.27 Natural Hazards</p> <p>1. The relevant provisions of Chapter 62 (Natural Hazards) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 62 (Natural Hazards) of this Plan.</p>
<p>44.28 Hazardous Substances</p> <p>1. The relevant provisions of Chapter 63 (Natural Hazards) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 63 (Hazardous Substances) of this Plan.</p>
<p>44.29 Activities on the Surface of Water</p> <p>1. The relevant provisions of Chapter 62A (Activities on the Surface of Water) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 62A (Activities on the Surface of Water) of this Plan.</p>
<p>44.30 Contaminated Sites</p> <p>1. The relevant provisions of Chapter 64 (Contaminated Sites) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 64 (Contaminated Sites) of this Plan.</p>
<p>44.31 Financial Contributions</p> <p>1. The relevant provisions of Chapter 65 (Financial Contributions) of this Plan must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 65 (Financial Contributions) of this Plan.</p>
<p>44.32 Code of Practice for Subdivision and Land Development</p> <p>1. The relevant provisions of Chapter 66 (Volume II - Code of Practice for Subdivision and Land Development) must be complied with.</p>	<p>Matters:</p> <p>Refer to Chapter 66 (Volume II - Code of Practice for Subdivision and Land Development) of this Plan.</p>

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